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82-1019/2

(6310-02)
CENTRAL INTELLIGENCE AGENCY
Privacy Act of 1974

AGENCY: Central Intelligence Agency

ACTION: Proposed Amendment of the Statement of General
Routine Uses of the Systems of Records.

SUMMARY: This proposed amendment adds one new general routine use and revises four of the existing six general routine uses and is applicable to all of the CIA systems of records (last published in full text in the Federal Register, Vol. 42, No. 184, p. 48050). With the exception of the proposed general routine use number 1, the amendment makes technical revisions in four of the remaining six uses. Proposed general routine use number 1 is intended to enable the CIA to fulfill its lawful functions pursuant to applicable law in a more effective manner.

DATES: Written comments should be submitted at the earliest possible date, but no later than (insert date 30 days after publication in the Federal Register) in order to enable the Agency to have an opportunity to review them. The routine uses will become effective (insert date 60 days after publication in the Federal Register) unless the Agency publishes a notice to the contrary.

ADDRESS: Send written comments to:

Chief, Information and Privacy Division
Central Intelligence Agency
Washington, DC 20505.

FOR FURTHER INFORMATION, CONTACT:



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SUPPLEMENTARY INFORMATION: The addition of the first proposed general routine use is intended to state an obvious proposition: that records contained in systems of records maintained by the CIA to enable it to carry out its responsibilities under the National Security Act of 1947, as amended, and the Central Intelligence Agency Act of 1949, as amended, and other federal statutes, Executive orders, national security directives, or regulations or procedures promulgated pursuant thereto, will be disclosed as a routine use whenever such disclosure is necessary or appropriate to enable the CIA to fulfill its lawful functions. Nothing in the Privacy Act or its legislative history indicates that

Congress intended the routine use provisions of the Act to interfere with, or otherwise constitute a barrier to, the ability of Federal agencies to carry out their lawful functions.

The addition of the phrase "or relates to" to the second general routine use (formerly number 1) is made to clarify an ambiguity. Where a record containing information that indicates a violation or potential violation of law is disclosed to the appropriate agency, it may be necessary or appropriate to disclose other related records to the appropriate agency to enable it to understand, interpret or otherwise act upon the information that indicates a violation or potential violation of law. Addition of the phrase "or charged with the responsibility to take appropriate administrative action" to the second general routine use is made to clarify the types of entities to which disclosures will be made concerning actual or potential violations of law. Substitution of the word "disclosed" for the word "referred" is an amendment of a nonsubstantive nature and requires no explanation.

Substitution of the phrase "performance of the Agency's acquisition functions" for the phrase "letting of a contract" in the third general routine use (formerly number 2) is an amendment of a nonsubstantive nature and requires no explanation.

The amendment made to the fourth general routine use (formerly number 3) is intended to bring this general routine use statement into conformity with the language of the third general routine use (formerly number 2) in order to provide for a more uniform standard for disclosure. Substitution of the phrase "entity" for "agency" is a technical amendment of a nonsubstantive nature and requires no explanation.

The addition of the phrase "or special access" to the third and fourth general routine uses (formerly number 2 and 3, respectively) is made to distinguish the types of security approvals granted by the Agency. A security clearance represents formal determination that an individual is authorized access, on a "need-to-know" basis, to a specific level of classified information. A special access is required for access to certain types of classified information irrespective of its level of classification. Accordingly, addition of the phrase "or special access" is an amendment of a nonsubstantive nature.

The amendment made to the fifth general use (formerly number 4) is a technical amendment. To the extent that records may be disclosed in the course of presenting

evidence in a legal proceeding, such disclosures are, of course, made pursuant to statutes or regulations governing the conduct of such proceedings. Furthermore, because parties in legal proceedings are not always represented by legal counsel, it may be necessary to make disclosures to the parties themselves or to their non-attorney representatives or agents. Accordingly, this proposed amendment is intended to explicitly recognize that CIA records will be disclosed, as a routine use, to appropriate parties when necessary or appropriate to Agency participation in legal proceedings.

The sixth and seventh general uses (formerly numbers 5 and 6) remain unchanged.

For the reasons set out in the preamble and pursuant to Privacy Act of 1974 (5 U.S.C. 552a), this Agency proposes to amend the statement of general routine uses as stated below:

The following routine uses apply to, and are incorporated by reference into, each system of records maintained by the CIA:

1. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency, other appropriate entities or individuals, or, through established liaison channels, selected foreign governments whenever such disclosure is necessary or appropriate to enable the Central Intelligence Agency to carry out its responsibilities under any federal statute, Executive order, national security directive, or any regulations or procedures promulgated pursuant thereto.

2. In the event that a system of records maintained by the Central Intelligence Agency to carry out its functions indicates, or relates to, a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be disclosed, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation, or charged with the responsibility to take appropriate administrative action, or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such

as current licenses, if necessary to obtain information relevant to a Central Intelligence Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance or special access, or the performance of the Agency's acquisition functions.


4. A record from this system of records may be disclosed, as a routine use, to a federal, state, or local agency, or other appropriate entities or individuals, in connection with the hiring or retention of an employee, the issuance of a security clearance or special access, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to the entity's decision on the matter.

5. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing parties or their counsel or other representatives in the course of settlement negotiations, and disclosures made pursuant to statutes or regulations governing the conduct of such proceedings.

6. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation, as set forth in OMB Circular No. A-19, at any stage of the legislative coordination and clearance process as set forth in that Circular.

7. A record from a system of records may be disclosed, as a routine use, to NARS (GSA) in records management inspections conducted under the authority of 44 U.S.C. §§2904 and 2906.

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Harry E. Fitzwater
Deputy Director
for
Administration

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